

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Christina Vuong	Team: Team # 3	CCRB Case #: 201306028	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 06/28/2013 11:50 PM	Location of Incident: Vicinity of § 87(2)(b) and § 87(2)(b) 48th Precinct stationhouse	Precinct: 48	18 Mo. SOL 12/28/2014	EO SOL 12/28/2014	
Date/Time CV Reported Fri, 07/05/2013 7:02 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 07/05/2013 7:02 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Vincent Figueroa	04456	951731	PBBX
2. An officer			Unknown
3. Officers			Unknown
4. POM Brian Cintron	14743	951614	PBBX
5. SGT Berkley Vantull	04296	934156	PBBX
6. POF Chari Minaya	01556	950891	048 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Vincent Figueroa	Abuse: At § 87(2)(b) and § 87(2)(b) in the Bronx, Vincent Figueroa threatened § 87(2)(b) with the use of force.	
B.POM Brian Cintron	Abuse: At § 87(2)(b) and § 87(2)(b) in the Bronx, PO Brian Cintron threatened § 87(2)(b) with the use of force.	
C.POM Vincent Figueroa	Force: At § 87(2)(b) and § 87(2)(b) in the Bronx, PO Vincent Figueroa used physical force against § 87(2)(b) § 87(2)(b).	

Officer(s)	Allegation	Investigator Recommendation
D.POM Brian Cintron	Force: At § 87(2)(b) and § 87(2)(b) in the Bronx, PO Brian Cintron used physical force against § 87(2)(b)	
E.POM Vincent Figueroa	Discourtesy: In the vicinity of § 87(2)(b) and § 87(2)(b) in the Bronx, PO Vincent Figueroa spoke rudely to § 87(2)(b)	
F. Officers	Force: At § 87(2)(b) in the Bronx, officers used physical force against § 87(2)(b)	
G. An officer	Force: At § 87(2)(b) in the Bronx, an officer used a chokehold against § 87(2)(b)	
H.SGT Berkley Vantull	Abuse: At § 87(2)(b) and § 87(2)(b) in the Bronx, Sgt. Berkley Vantull threatened § 87(2)(b) with the use of force.	
I.POF Chari Minaya	Force: At § 87(2)(b) and § 87(2)(b) in the Bronx, PO Chari Minaya backed up her RMP into § 87(2)(b).	
J.POM Brian Cintron	Force: At the 48th Precinct stationhouse, PO Brian Cintron tightly handcuffed § 87(2)(b)	
K. An officer	Discourtesy: At the 48th Precinct stationhouse, an officer spoke rudely to § 87(2)(b)	

## Case Summary

On July 5, 2013, § 87(2)(b) filed the following complaint on behalf of herself and her son § 87(2)(b) online with the Civilian Complaint Review Board (CCRB) (encl. ).

On June 28, 2014 at 11:55 p.m., PO Brian Cintron and PO Vincent Figueroa of Patrol Borough Bronx approached § 87(2)(b), § 87(2)(b), and additional individuals at § 87(2)(b) and § 87(2)(b) in the Bronx. A physical struggle and foot pursuit ensued. Multiple officers responded to the scene and arrested § 87(2)(b) among others. Unidentified plainclothes officers of an unknown command apprehended § 87(2)(b) in the lobby of § 87(2)(b). After § 87(2)(b) was placed inside the back of an RMP at § 87(2)(b) and § 87(2)(b), § 87(2)(b) interacted with Sgt. Berkley Vantull and PO Chari Minaya of Patrol Borough Bronx. The arrested individuals were transported to the 48<sup>th</sup> Precinct stationhouse. The following allegations resulted:

- **Allegation A- Abuse of Authority: At § 87(2)(b) and § 87(2)(b) in the Bronx, PO Vincent Figueroa threatened § 87(2)(b) with the use of force.**
- **Allegation B- Abuse of Authority: At § 87(2)(b) and § 87(2)(b) in the Bronx, PO Brian Cintron threatened § 87(2)(b) with the use of force.**
- **Allegation C- Force: At § 87(2)(b) and § 87(2)(b) in the Bronx, PO Vincent Figueroa used physical force against § 87(2)(b).**
- **Allegation D- Force: At § 87(2)(b) and § 87(2)(b) in the Bronx, PO Brian Cintron used physical force against § 87(2)(b).**

§ 87(2)(g)

- **Allegation E- Discourtesy: In the vicinity of § 87(2)(b) and § 87(2)(b) in the Bronx, PO Vincent Figueroa spoke rudely to § 87(2)(b).**

§ 87(2)(g)

- **Allegation F- Force: At § 87(2)(b) in the Bronx, officers used physical force against § 87(2)(b).**

§ 87(2)(g)

- **Allegation G- Force: At § 87(2)(b) in the Bronx, an officer used a chokehold against § 87(2)(b).**

§ 87(2)(g)

- **Allegation H- Abuse of Authority: At § 87(2)(b) and § 87(2)(b) in the Bronx, Sgt. Berkley Vantull threatened § 87(2)(b) with the use of force.**

§ 87(2)(g)

- **Allegation I- Force: At § 87(2)(b) and § 87(2)(b) in the Bronx, PO Chari Minaya backed up her RMP into § 87(2)(b).**

§ 87(2)(g)

- **Allegation J- Force: At the 48<sup>th</sup> Precinct stationhouse, PO Brian Cintron tightly handcuffed § 87(2)(b).**

§ 87(2)(g)

- **Allegation K- Discourtesy: At the 48<sup>th</sup> Precinct stationhouse, an officer spoke rudely to** § 87(2)(b)

§ 87(2)(b)

§ 87(2)(g)

Because § 87(2)(b) and § 87(2)(b) were arrested, the case was ineligible for mediation.

### **Results of Investigation**

#### **Surveillance Footage from** § 87(2)(b) (encl. E1-3)

Video footage was obtained from the § 87(2)(b) for the vestibule area and the front entrance of § 87(2)(b) in the Bronx. The videos do not capture the corner of § 87(2)(b) and § 87(2)(b).

At the 23:53:41 mark, three young men come into view of the exterior camera running east along § 87(2)(b) towards § 87(2)(b). A young black man runs into the vestibule of the building and unsuccessfully pulls on the door handle before running back out. At the 23:53:44 mark, § 87(2)(b) wearing a tan t-shirt and gray shorts, enters the view of the exterior camera, running towards the front door. PO1, an unidentified plainclothes white male officer with light hair wearing a black and green shirt, and PO2, an unidentified plainclothes white male officer with dark hair wearing a black shirt and tan hat, pursue him. PO1 grabs the back of § 87(2)(b)'s shirt as he enters the first set of doors. § 87(2)(b) uses his hand to push the door closed while PO1 uses his elbow to keep it open.

§ 87(2)(b)'s arms are entangled with PO1's, but PO1 loses his grip and stumbles towards the door while § 87(2)(b) backs up into the vestibule corner. PO1 reaches for § 87(2)(b) whose back hits against the wall. § 87(2)(g). PO2 then moves towards § 87(2)(b) reaching for his upper body. At the 23:53:48 mark, § 87(2)(b) slides down the wall. It is unclear if the officers take any actions to get him to the floor.

§ 87(2)(b) shifts into a fetal position on his right side. PO1 and PO2 are bent over him § 87(2)(g). § 87(2)(b)'s body and legs are extended on the floor, and he occasionally moves from his side to a prone position. PO1 straddles § 87(2)(b)'s midsection and PO2 is holding down § 87(2)(b)'s head. At the 23:54:00 mark, PO1 has hold of both of § 87(2)(b)'s hands behind his back, and appears to be handcuffing him. Seven seconds later, the officers get off of § 87(2)(b) and he is lifted off of the vestibule floor. The three walk outside.

Beginning at the 23:54:12 mark, PO1 and PO2 are behind § 87(2)(b) holding onto his arms. § 87(2)(b) appears to try to run east. He falls forward onto the ground, pulling the officers down with him. At the 23:54:17 mark, PO1 lands on his knees on top of § 87(2)(b)'s midsection and upper body. § 87(2)(b), § 87(2)(g). PO1's back is within a foot of the street scaffolding. PO2 is leaned over, one leg between § 87(2)(b)'s legs and the other on his right side, and has a hand on § 87(2)(b)'s upper body. An unidentified uniformed female officer runs over from the direction of § 87(2)(b) and is positioned opposite of PO1. § 87(2)(g). § 87(2)(b)'s legs move a few times. Two additional unidentified uniformed male officers walk over, but do not make physical contact with § 87(2)(b). At the 23:54:23 mark, PO1 moves his knee to the side.

At the 23:54:32 mark, PO1 lifts § 87(2)(b) off the ground and walks him towards § 87(2)(b) without further incident. At the 23:58:27 mark, four unidentified uniformed male officers are herding a crowd of approximately thirty-five civilians away from § 87(2)(b).

#### **Civilian Statements:**

**Victim:** § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) at the time of the incident. He is a 5'10" tall, 159-lb young black man with black hair and brown eyes.

**Statements to Medical Personnel** (encl. N1-23)

On § 87(2)(b) § 87(2)(b) complained to § 87(2)(b) personnel of pain to both hands, bruises to both knees, abrasions to his right shoulder, and an abrasion to his left upper arm. He alleged that officers beat him up in an unspecified manner. He stated he received head trauma when he fell on the ground and struck his head. He reported numbness to his hands after being handcuffed.

**CCRB Statement** (encl. F1-13)

On July 15, 2013, § 87(2)(b) provided an in-person statement at the CCRB.

On June 28, 2013 at approximately 11:55 p.m., § 87(2)(b) was walking home to § 87(2)(b) in the Bronx from § 87(2)(b), across the street. He was standing alone on the northeast corner of § 87(2)(b) and § 87(2)(b) by the § 87(2)(b) store. Suddenly, he saw a group of ten to fifteen teenagers and young adults in their twenties running south from § 87(2)(b) towards him. § 87(2)(b) did not recognize any group member, and did not notice anyone to be dressed similarly to him. He heard sirens in the distance and saw two unidentified plainclothes officers he could not describe chasing the group on foot. When the runners were ten feet away from him, he was frightened and ran twenty feet to his building. The crowd turned the corner and ran in the same direction as he did. § 87(2)(b) entered the vestibule of § 87(2)(b), which he noted the building security office has view of through a one-way mirror. He rang the buzzer and turned around to see what was happening. Two plainclothes officers, different from the ones chasing the group, entered behind him. PO1 was described as a 5'11" tall, thin white man in a green shirt and a green hat. PO2 was described as a 5'10" tall, stockier white man in a black shirt. § 87(2)(b) was unable to describe them further and stated that he would not be able to identify them from photos.

PO1 said, "Get on the ground," and used both of his hands to grab § 87(2)(b) by his shirt collar. PO1 pulled § 87(2)(b) towards him, ripping § 87(2)(b)'s shirt. § 87(2)(b) kept saying that he did not do anything. He made no body movements. PO1 pushed § 87(2)(b)'s back against the wall. § 87(2)(b) slid down to the floor and covered his face with his forearms. PO1 and PO2 grabbed his forearms and pulled them behind his back. He was handcuffed within seconds.

PO1 and PO2 walked § 87(2)(b) outside without resistance. Six or seven unidentified officers, some in uniform and some in plainclothes, surrounded § 87(2)(b). § 87(2)(b) could not describe these officers. PO1 pushed § 87(2)(b)'s chest, causing § 87(2)(b) to fall forward onto his stomach. His right shoulder and right temple also struck the ground on impact. An officer § 87(2)(b) described as a 5'10" tall, 180-lb white man with a large body build and wearing green shorts and a green and black shirt, determined by the investigation as PO1, had his knee across the back of § 87(2)(b)'s neck, exerting constant pressure. § 87(2)(b) yelled for help and said that he could not breathe. No officer responded. He also felt an officer's knee on his back. After over four minutes, unidentified officers lifted him up and took him to an RMP parked on the corner of § 87(2)(b) and § 87(2)(b).

The RMP driver and front passenger were identified by the investigation as PO Chari Minaya of the 48<sup>th</sup> Precinct and Sgt. Berkley Vantull of Patrol Borough Bronx. PO Minaya started to back up the RMP to pull away. § 87(2)(b) suddenly heard the voice of his mother § 87(2)(b) saying, "That's my son." He turned his head around and saw his mother running up to the rear of the RMP. He then felt a bump. PO Minaya exited the RMP and instructed § 87(2)(b) to back up. Sgt. Vantull exited with his asp extended and pointed at § 87(2)(b)'s head. He said, "Back up or I'll crack your head with the stick." § 87(2)(b) complied and the officers reentered the RMP and transported § 87(2)(b) to the 48<sup>th</sup> Precinct stationhouse.

Before he was placed in the cells, § 87(2)(b) asked for his handcuffs to be loosened. PO1 replied that § 87(2)(b) “probably beat up one of our boys, don’t loosen the cuffs.” PO1 called § 87(2)(b) a “little bitch” and told him, “Don’t fuck with the police.” § 87(2)(b) had not said anything prior. PO1 instructed a 5’4” tall white or Hispanic male officer with black hair, determined by the investigation to be PO Cintron, to tighten § 87(2)(b) s cuffs. § 87(2)(b) observed the name “Vincent” on PO7’s nameplate. § 87(2)(g). PO Cintron clenched the right handcuff on § 87(2)(b) s wrist. § 87(2)(b) did not hear any sounds, but felt the handcuffs tighten. He was then placed into the cells. Three or five other individuals whom he recognized from the neighborhood but did not know their names, were inside of the cells. § 87(2)(b) was unable to determine if they were part of the crowd that was running from officers.

**Complainant/ Victim:** § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) at the time of the incident. She is a 5’8” tall, 235-lb black woman with black hair and brown eyes. She is § 87(2)(b) s mother.

**CCRB Statement** (encl. F1-8)

On July 15, 2013, § 87(2)(b) provided an in-person statement at the CCRB. On August 15, 2013, she provided additional details over the phone.

§ 87(2)(b) was inside of her apartment at § 87(2)(b) in the Bronx when she heard sirens and saw unmarked police cars driving down the surrounding streets. Shortly after, three unidentified friends of § 87(2)(b) ran upstairs and said to her the police were beating up her son. § 87(2)(b) went outside and saw five marked and unmarked RMPs and at least ten unidentified plainclothes and uniformed officers at the scene. Approximately twenty-five to thirty civilians, including two neighbors she identified as § 87(2)(b), § 87(2)(b), and § 87(2)(b) were gathered outside, talking and cursing about the situation. The crowd, unidentified members of which recognized her as § 87(2)(b) s mother, told her that § 87(2)(b) was in the back of Sgt. Vantull’s RMP. § 87(2)(b) walked at a fast pace, but did not run, towards the driver’s side of the RMP. § 87(2)(b) § 87(2)(b) accompanied her. § 87(2)(b) motioned with her hands and asked, “Where are you taking him? I’m his mother. He’s a minor. He’s only § 87(2)(b).” She was hysterical. She was a foot away from the driver’s side door when PO Minaya opened the door and yelled for her to get away from the RMP, and that the officers were taking § 87(2)(b). § 87(2)(b) moved toward the back of the RMP to look through the rear window. PO Minaya closed her door and as the RMP started to pull away, § 87(2)(b) said, “Wait, where are you taking my son?” She stood a few feet behind the RMP and used her palms to rap three times on the trunk. The RMP backed up slowly into § 87(2)(b) s knees, causing her to buckle forward but not fall. No injuries were sustained.

The RMP stopped after the bump. Sgt. Vantull exited the RMP and asked if she touched his car. § 87(2)(b) said that she just wanted to see her son and that she had a right to know. He walked within a foot of her, raised his asp over her head and said, “If you take another step or touch my car, I will crack you in the head. You take another step and you’re going to be on the ground.” § 87(2)(b) stepped back and the officers departed.

At § 87(2)(b), § 87(2)(b) picked up § 87(2)(b) from the stationhouse and took him to § 87(2)(b). § 87(2)(b) presented to the CCRB a copy of the family court desk appearance ticket, issued by PO Figueroa, § 87(2)(a) Fam. Ct. Act § 381.3. § 87(2)(b)

**Victim:** § 87(2)(b)

- § 87(2)(b) a 5'8" tall, 147-lb Hispanic man with black hair and brown eyes, was § 87(2)(b) at the time of the incident.
- § 87(2)(b) is acquainted with § 87(2)(b) from playing basketball together.

### **CCRB Statement** (encl. F20-25)

On July 30, 2013, § 87(2)(b) provided a phone statement. On August 23, 2013, he provided an in-person statement at the CCRB. § 87(2)(g)

On June 28, 2013 at 11:45 p.m., § 87(2)(b) his cousin § 87(2)(b) (whom he stated did not reside in New York and whose contact information he did not have), and his friend § 87(2)(b) were leaning against cars at the corner of § 87(2)(b) and § 87(2)(b). They had been talking for ten minutes in a normal volume. No other individuals were outside. § 87(2)(b) wore a white tank top and army fatigue cargo pants, § 87(2)(b) wore jeans and a white t-shirt, and § 87(2)(b) wore army fatigue shorts and a black shirt.

PO Cintron and PO Figueroa approached the men and instructed them to leave the corner. The group responded that they were grown men and did not need to leave because there was no curfew. Two seconds later, PO Figueroa said that he would issue summonses, and then asked for § 87(2)(b)'s identification. § 87(2)(b) said, "I'm out of here," and walked two steps. PO Cintron grabbed his right forearm and PO Figueroa grabbed the other arm, pulling backwards. § 87(2)(b) pulled his elbows away. Both officers said, "If you don't stop moving, we're going to knock your ass out." PO Cintron let go of § 87(2)(b)'s arm, after which § 87(2)(b) saw PO Figueroa, determined by the investigation as PO Cintron, remove his asp, holding it as if preparing to swing it. § 87(2)(b) heard his group protest, but did not see them do anything.

§ 87(2)(b) ran towards § 87(2)(b) and made a right turn onto § 87(2)(b). He heard sirens and did not look backwards. Two unidentified plainclothes officers, whom § 87(2)(b) could only describe as white men with blonde or brown hair, in an unmarked black Impala drove south on § 87(2)(b) and pulled up next to him. They exited the car and pushed him on top of their vehicle. PO Figueroa ran up to him and put his hand on the side of § 87(2)(b)'s neck, saying, "You want to fucking run?" § 87(2)(b) clarified that PO Figueroa was not choking him or placing any pressure on his neck. § 87(2)(b) responded, "You want to grab my fucking neck?" PO Figueroa removed his hand and § 87(2)(b) was placed in the back of the Impala. § 87(2)(b) observed one-hundred-fifty civilians at the scene and many marked RMPs from the 48<sup>th</sup> and 46<sup>th</sup> Precinct, along with other commands he did not recall.

At the 48<sup>th</sup> Precinct stationhouse, § 87(2)(b) saw "§ 87(2)(b) identified by the investigation as § 87(2)(b), § 87(2)(b) "§ 87(2)(b) identified by the investigation as § 87(2)(b) and "§ 87(2)(b) identified by the investigation as § 87(2)(b). § 87(2)(b) recognized § 87(2)(b) and § 87(2)(b) from playing basketball together. § 87(2)(b) denied that § 87(2)(b) or § 87(2)(b) were part of his initial group. § 87(2)(b) was placed in the cells five minutes after § 87(2)(b) arrived. § 87(2)(b) did not see § 87(2)(b) interact with any officer, and did not see any officer interact with the prisoners.

### **Witnesses:** § 87(2)(b) and § 87(2)(b) § 87(2)(b)

- § 87(2)(b) is a Hispanic woman and § 87(2)(b) is a black woman. They are § 87(2)(b)'s neighbors in § 87(2)(b).

### **Phone Statements** (encl. F26-29)

On July 31, 2013, § 87(2)(b) and § 87(2)(b) provided phone statements to the CCRB. § 87(2)(g)  
§ 87(2)(b) declined to provide a verified statement and refused to identify her son or permit his participation. § 87(2)(b) cancelled her appointment and did not cooperate to reschedule. Whereas § 87(2)(b) observed this from her apartment window, which faces § 87(2)(b) § 87(2)(b) and her unidentified son were by the corner store on § 87(2)(b) and § 87(2)(b) in the

Bronx when they saw many teenagers running around the corner, chased by multiple officers. § 87(2)(b) ran from the opposite direction, from § 87(2)(b) towards § 87(2)(b).

Many officers grabbed the teenagers running past. An unidentified officer grabbed § 87(2)(b)'s son but released him after § 87(2)(b) and her son stated they were together. Three unidentified officers, whose characteristics and uniform she could not describe, chased § 87(2)(b) into the vestibule. § 87(2)(b) walked under a window to § 87(2)(b)'s apartment, shouting for her to come out. § 87(2)(b) did not see § 87(2)(b) approach the RMP. § 87(2)(b) did not remember what Sgt. Vantull said, or how he was holding the asp in hand. § 87(2)(b) heard Sgt. Vantull say twice to § 87(2)(b) "I'm going to bash your fucking head."

**Witnesses:** § 87(2)(b) and § 87(2)(b)

- § 87(2)(b) § 87(2)(b) at the time of the incident, is a 5'7" tall, 160-lb Hispanic man with black hair and brown eyes. He is § 87(2)(b)'s friend, and was also arrested during the incident.
- § 87(2)(b) a Hispanic man, was § 87(2)(b) at the time of the incident. He was identified as a witness from the 48<sup>th</sup> Precinct Command Log and the Prisoner Holding Pen Roster.

### **Phone Statements** (encl. F29-30)

On August 13, 2013, § 87(2)(b) provided a brief phone statement via § 87(2)(b)'s phone, and on December 6, 2013, § 87(2)(b) provided a phone statement to the CCRB.

§ 87(2)(b) did not witness § 87(2)(b)'s arrest. At the 48<sup>th</sup> Precinct stationhouse, unidentified officers said "words" that § 87(2)(b) could not recall to § 87(2)(b) and that they "tossed § 87(2)(b) around" in an unspecified manner. At this time, the phone connection was lost. An immediate callback was attempted, but went to § 87(2)(b)'s voicemail.

§ 87(2)(b) was inside of the 48<sup>th</sup> Precinct stationhouse cells at the time of the incident but did not specifically remember any young black or Hispanic men inside. Two prisoners were handcuffed inside the cells. He did not observe anything remarkable about their demeanor, other than they slept on the floor. He did not see any officers interact with any prisoners in the cell area. He did not see any officer touch a prisoner's handcuffs, or hear any officer use profanity or call any prisoner a "little bitch."

### **Attempts to Contact Civilians**

§ 87(2)(b) was identified via subpoena to the § 87(2)(b) as § 87(2)(b) at the time of the incident. § 87(2)(b) did not respond to multiple contact attempts via phone and mail, and failed to respond to a subpoena to appear at the CCRB on January 9, 2014.

The phone number § 87(2)(b) provided for § 87(2)(b) was non-working. On April 28, 2014, § 87(2)(b) was contacted by phone but stated he had no other contact information for § 87(2)(b). A New York State Department of Motor Vehicles and Lexis-Nexis database search for § 87(2)(b) was negative.

§ 87(2)(b) did not know § 87(2)(b)'s address or contact information.

Although neither § 87(2)(b) nor § 87(2)(b) indicated that § 87(2)(b) was involved in their respective incidents, two please call letters were mailed to § 87(2)(b) but yielded negative results.

Contact attempts were also made via phone and mail to the § 87(2)(b), located on the northeast corner of § 87(2)(b) and § 87(2)(b) with negative results, and to the § 87(2)(b), located on the southwest corner of the intersection. On September 6, 2013, § 87(2)(b) § 87(2)(b), stated that he and his brother remembered seeing police officers outside, but they did not exit the store to investigate. He stated that surveillance video footage is erased after one or two weeks.

Please call letters were mailed to and phone calls were placed to addresses and phone numbers obtained via police documents, New York State Department of Correction, and Lexis-Nexis database searches for § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), and § 87(2)(b) who were identified from the 48<sup>th</sup> Precinct Command Log and Prisoner Holding Pen Roster as potential witnesses to allegations of police misconduct at the stationhouse. As of the date of this report, no response has been received.



## **NYPD Statements:**

### **Subject Officer: PO BRIAN CINTRON**

- *PO Cintron, a 5'3" tall, 105-lb light-skinned Hispanic man with dark brown hair and brown eyes, was § 87(2)(b) old at the time of the incident.*
- *On June 28, 2013, PO Cintron was partnered with PO Figueroa to Footpost #2. He worked from 7:30 p.m. on June 28, 2013 to 5:35 p.m. on June 29, 2013. They were dressed in uniform.*

### **Memo Book** (encl. G1-5)

§ 87(2)(g)

### **Arrest Paperwork** (encl. G6-10)

PO Cintron prepared the criminal complaint report and arrest paperwork for § 87(2)(b)

§ 87(2)(g)

### **CCRB Statement** (encl. G11-13)

On September 17, 2013, PO Cintron provided a CCRB statement.

On June 28, 2013 at 11:50 p.m., PO Cintron and PO Figueroa walked by § 87(2)(b) and § 87(2)(b) in the Bronx. PO Cintron saw an unidentified woman verbally arguing, the content of which he could not describe, with a group of six men, who were standing in a circle blocking pedestrian traffic. The loud argument also caused people to look out their windows. By the time PO Cintron and PO Figueroa approached the men, the woman had left. PO Cintron recognized § 87(2)(b)'s CCRB photo, and arrest photos for § 87(2)(b), § 87(2)(b), and § 87(2)(b) and stated that they were all members of the group. He did not know the identities of the remaining two men.

PO Cintron and PO Figueroa both instructed the men to leave. § 87(2)(b) responded that they were "grown-ass men" who lived there. PO Figueroa informed them that they would receive summonses for refusing to disperse. PO Cintron asked for ID three times from all six men. None responded.

§ 87(2)(b) tried to leave the scene. PO Cintron grabbed § 87(2)(b)'s left wrist, but he flared his arms and pulled away. PO Cintron again tried to grab § 87(2)(b)'s hands, but § 87(2)(b) placed both of his hands around PO Cintron's neck, choking him. PO Figueroa requested back-up over the radio while the other five men surrounded the officers. PO Figueroa grabbed § 87(2)(b)'s arms, but § 87(2)(b) had a razorblade in his wristwatch, cutting PO Figueroa. PO Cintron removed his asp and swung at the men, but did not make physical contact, as the men ran away. PO Cintron did not know their direction of flight.

PO Cintron and PO Figueroa were focused on their foot pursuit of § 87(2)(b) and chased him along § 87(2)(b), § 87(2)(b) and § 87(2)(b). PO Cintron transmitted descriptions of § 87(2)(b) and his direction of flight. He also transmitted § 87(2)(b)'s description.

After thirty seconds, an unmarked car with unidentified plainclothes officers inside cut off § 87(2)(b) along § 87(2)(b), § 87(2)(b) stopped in the middle of the street and put his hands in the air. PO Cintron ran over and handcuffed § 87(2)(b) alone and without difficulty. No profanity or force was used. § 87(2)(b) was placed in the back of the vehicle without incident.

Unidentified other officers apprehended § 87(2)(b), § 87(2)(b), and § 87(2)(b) nearby, but PO Cintron did not observe their apprehensions. PO Cintron and PO Figueroa were called to the location of their arrests to do a confirmatory identification. There was a large crowd of unknown size. PO Cintron remembered Sgt. Vantull was present but he did not recall seeing him interact with any civilian. He also remembered uniformed officers of the 45<sup>th</sup> Precinct on scene.

PO Cintron denied that any officer threatened a civilian with the use of force or used profanity. He did not see any RMP back up into a civilian.

At the 48<sup>th</sup> Precinct stationhouse, PO Cintron did not interact with § 87(2)(b). He did not place the prisoners into the cell. He did not observe any officer interact with or tighten § 87(2)(b)'s handcuffs. He did not hear any officer say the word “bitch” or, “Don’t fuck with the police.”

**Subject Officer: PO VINCENT FIGUEROA**

- *PO Figueroa, a 6’2” tall, 250-lb Hispanic man with brown hair and green eyes, was § 87(2)(b) old at the time of the incident.*
- *On June 28, 2013, PO Figueroa had the same tour and assignment as PO Cintron.*

**Memo Book** (encl. G14-18)

PO Figueroa made a detailed memo book entry regarding the incident, § 87(2)(g).

**Arrest Paperwork** (encl. G19-26, M1-6)

PO Figueroa prepared the criminal complaint report and arrest paperwork for § 87(2)(b), § 87(2)(b), § 87(2)(b), and § 87(2)(b). They were all charged § 87(2)(a) 160.50.

The narrative noted that the men, along with unspecified others, engaged in violent and tumultuous behavior, fighting with uniformed police officers. The location of their arrests was § 87(2)(b) and § 87(2)(b).

**CCRB Statement** (encl. G27-29)

On September 17, 2013, PO Figueroa provided a CCRB statement, § 87(2)(g).

PO Figueroa was shown their arrest photos and recognized § 87(2)(b), § 87(2)(b), § 87(2)(b), and § 87(2)(b) as four of the six members of the group.

After PO Figueroa was cut grabbing § 87(2)(b)'s hands from PO Cintron’s neck, the other men pulled at the officers’ arms. After PO Cintron removed his asp, the group dispersed in unknown directions.

PO Cintron ran ahead of PO Figueroa. When PO Figueroa caught up, § 87(2)(b) was already in handcuffs. PO Figueroa did not make contact with § 87(2)(b). He did not see § 87(2)(b) placed against a car. He did not see PO Cintron interact with § 87(2)(b).

PO Figueroa denied that any officer threatened a civilian with the use of force or used profanity. He did not see any RMP back up into a civilian.

At the 48<sup>th</sup> Precinct stationhouse, PO Cintron assisted PO Figueroa with the paperwork. PO Figueroa did not have any interaction with the four men and did not observe any other officer do so. He did not hear any officer say “bitch” or “don’t fuck with the police.”

**Subject Officer: SGT. BERKLEY VANTULL**

- *Sgt. Vantull, § 87(2)(b) old at the time of the incident, is a 5’10” tall, 165-lb bald black man with brown eyes.*
- *On June 28, 2013, Sgt. Vantull was the Impact supervisor. He worked from 7:15 p.m. to 4:12 a.m. on June 29, 2013. He had no assigned partner. He was dressed in uniform.*

**Memo Book** (encl. G30-32)

At 12:20 a.m., Sgt. Vantull marked three arrests at § 87(2)(b) and § 87(2)(b).

**CCRB Statement** (encl. G33-34)

On September 26, 2013, Sgt. Vantull provided a statement to the CCRB.

Sgt. Vantull was at the 48<sup>th</sup> Precinct stationhouse when he heard the radio call for assistance. He jumped into an RMP and PO Minaya drove him to the scene. He could not identify the other officers present at the scene. By the time he arrived, he learned that § 87(2)(b), § 87(2)(b), and § 87(2)(b) were already handcuffed. § 87(2)(b) identified by the investigation, was placed in the back of his RMP by an unidentified officer.

The large, screaming crowd of approximately twenty civilians converged on the officers. Sgt. Vantull instructed the crowd to step back, get off the corner, and back off the streets. He did not recognize § 87(2)(b)'s photo. He did not recall any crowd member indicating that their son was arrested. He did not recall any civilian approaching or banging on the RMP.

Sgt. Vantull removed his asp at the time out of fear for his safety from the number of civilians. He held it in his right hand on his right side. He denied pointing his asp at anyone or raising it above his head. He could not describe if any individuals approached him when he had the asp out. He did not threaten to use his asp or crack anyone's head open.

Sgt. Vantull did not recall any difficulty leaving the scene, or if any civilian attempted to approach as the RMP pulled away. He did not observe the RMP contact any civilian while pulling away.

At the stationhouse, Sgt. Vantull did not observe any officer interact with any prisoner in the cell area, refer to any prisoner as a "bitch," or say, "Don't fuck with the police." He did not see any officer adjust any prisoner's handcuffs.

**Subject Officer: PO CHARI MINAYA (48<sup>th</sup> Precinct)**

- *PO Minaya, a 5'8" tall, 180-lb dark-skinned Hispanic woman with black hair and brown eyes, was § 87(2)(b) old at the time of the incident.*
- *PO Minaya worked from 3:30 p.m. on June 28, 2013 to 4:05 a.m. on June 29, 2013. She was Sgt. Vantull's operator. They were dressed in uniform and assigned to marked RMP #4414.*

**Memo Book** (encl. G35-39)

At 12:00 a.m., PO Minaya responded to a call for assistance at § 87(2)(b) and § 87(2)(b).

**CCRB Statement** (encl. G40-42)

On February 21, 2014, PO Minaya provided a statement to the CCRB. § 87(2)(g)

PO Minaya parked the RMP along the north side of § 87(2)(b) on the corner of § 87(2)(b) in a way that closed off the street. She did not know which officers placed § 87(2)(b) in the back of her RMP. Standing by the driver's side, she instructed the crowd to disperse. Multiple civilians surrounded the front and back of the RMP and some used their fists to strike the trunk.

§ 87(2)(b) whose photo PO Minaya did not recognize, identified herself to PO Minaya as § 87(2)(b)'s mother. PO Minaya told § 87(2)(b) to meet them at the stationhouse. PO Minaya did not know if she was one of the individuals who were banging on the trunk. PO Minaya did not see Sgt. Vantull interact with § 87(2)(b). PO Minaya did not remember if Sgt. Vantull removed his asp, or if he said to any civilian, "Back up or I'll crack your head open."

After some time, PO Minaya and Sgt. Vantull entered the RMP. She did not remember if Sgt. Vantull exited the RMP again. While maneuvering the RMP to leave, she remembered only having to move her RMP slightly to the left, but not having to back up. She did not remember if any civilian stepped in the path of the RMP. She did not remember striking any civilian with the front or back of the RMP. She did not know if any civilian pursued the vehicle as she drove. The crowd had not dispersed at that time, but eventually moved in such a way to allow PO Minaya to pass.

At the stationhouse, PO Minaya did not see any or hear any officer interact with § 87(2)(b).

**Medical Records:** (encl. N1-23)

- On § 87(2)(b) § 87(2)(b) personnel diagnosed § 87(2)(b) with contusions. A physical exam revealed a 7-8 cm abrasion to his right shoulder, and 3-4 cm abrasions to both knees. Decreased sensation was noted in § 87(2)(b)'s left hand, but the exam was otherwise unremarkable. X-rays of his left wrist and hand were negative for any abnormalities.

**NYPD Documents:**

**SPRINT Report #§ 87(2)(b)** (encl. I1-16)

The following radio run was transmitted as a 10-13, regarding an officer's call for assistance. At 11:52 p.m., PO Figueroa or PO Cintron transmitted a foot pursuit at § 87(2)(b) and § 87(2)(b), and described the perpetrator as a 5'6" tall man wearing a black tank top and camouflage pants, identified by the investigation as § 87(2)(b). A minute later, one of the officers is out of breath as he notes that they are approaching § 87(2)(b). Two minutes later, one of the officers shouts the location as § 87(2)(b) and § 87(2)(b). PO Cintron or PO Figueroa also described a black man in a white tank top. Shortly after, Sector 48A reports that they have apprehended a light-skinned Hispanic man wearing a white shirt and with arm tattoos, identified by the investigation as § 87(2)(b) near § 87(2)(b) and § 87(2)(b).

Several minutes later, PO Minaya and Sgt. Vantull requested additional units to § 87(2)(b) and § 87(2)(b). A minute later, an unidentified male officer requested no further units. Sgt. Vantull reported two individuals were arrested and officers were injured. An officer reported that a 5'5" tall light-skinned Hispanic man with arm tattoos, wearing a white tank top, red shorts, and a cargo hat, identified by the investigation as § 87(2)(b) was wanted for assaulting an officer, and was still at large.

A few minutes later, an unidentified male officer of an unspecified unit noted a stop of an individual, identified by the investigation as § 87(2)(b) at § 87(2)(b) and § 87(2)(b) and requested PO Cintron and PO Figueroa appear for a confirmatory identification. Sgt. Vantull requested EMS respond to the 48<sup>th</sup> Precinct stationhouse regarding an injured officer.

No additional units were listed on the SPRINT report as responding to the location.

**48<sup>th</sup> Precinct Command Log and Prisoner Holding Pen Roster** (encl. I17-23, I105-111)

§ 87(2)(b) was taken to the 48<sup>th</sup> Precinct stationhouse at 12:20 a.m. on June 29, 2014. His arrest entry noted his physical and mental condition as apparently normal. § 87(2)(b) was released to the custody of § 87(2)(b) at 2:45 a.m. § 87(2)(b) was logged in at 2:02 a.m. During that time period, the 48<sup>th</sup> Precinct Command Log did not note the presence of any officers from other commands at the 48<sup>th</sup> Precinct stationhouse.

A review of the 48<sup>th</sup> Precinct Prisoner Holding Pen Roster on June 29, 2014 revealed the following male prisoners inside the cells at the time § 87(2)(b) was lodged: § 87(2)(b), § 87(2)(b) #, § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), and § 87(2)(b).

**48<sup>th</sup> Precinct Interrupted Patrol Log** (encl. I48-49)

The 48<sup>th</sup> Precinct Interrupted Patrol Log revealed that no 48<sup>th</sup> Precinct officers on patrol duty signed in or were present at the stationhouse between 11:00 p.m. on June 28, 2014 and 3:24 a.m. on June 29, 2014.

**48<sup>th</sup> Precinct Handwritten Stop, Question, and Frisk Log** (encl. I112-114)

The 48<sup>th</sup> Precinct Stop, Question, and Frisk Log did not record a stop of § 87(2)(b).

**AIDED and Line of Duty Injury Reports** (encl. I115-124, L152)

The AIDED reports for PO Cintron and PO Figueroa both noted that they were involved in an altercation with several men and sustained lacerations to their left arm and right hand. Their Line of Duty Injury Reports were requested on August 15, 2014 and are pending receipt.

**Other Records** (encl. G43-72, I24-47, I50-104)

In an attempt to identify the two white or Hispanic male plainclothes officers who apprehended § 87(2)(b) Roll Calls were obtained from the 48<sup>th</sup> Precinct, 46<sup>th</sup> Precinct (which § 87(2)(b) observed at the location), 45<sup>th</sup> Precinct (which PO Cintron observed at the location), Patrol Borough Bronx Specialized Unit, Narcotics Borough Bronx, and Gang Borough Bronx. Memo book entries for numerous white and Hispanic male officers of the above commands, who were assigned to plainclothes duties, were obtained but revealed no relevant content. The Gang officers' memo books showed that they were at the 46<sup>th</sup> Precinct stationhouse engaged in arrest processing at the time of the incident.

### Arrests for Incident and Disposition (encl. K3-5)

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]  
[REDACTED]
- [REDACTED]  
[REDACTED]

**Status of Civil Proceedings** (encl. K1-2)

- As of August 5, 2014, the civilians have not filed a Notice of Claim with the City of New York with regard to the incident.

**Civilians Criminal History** (encl. K6-12)

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]  
[REDACTED]
- [REDACTED]  
[REDACTED]
- [REDACTED]  
[REDACTED]
- [REDACTED]  
[REDACTED]
- [REDACTED]  
[REDACTED]

**Civilians CCRB History (encl. B5-7)**

- This is the first CCRB complaint filed by § 87(2)(b), § 87(2)(b), and § 87(2)(b).

**Subject Officers CCRB History** (encl. B1-4)

- PO Figueroa has been a member of the service for two years. This is the first CCRB complaint filed against him.
- PO Cintron has been a member of the service for two years. This is the first CCRB complaint filed against him.
- Sgt. Vantull has been a member of the service for ten years. There is one substantiated CCRB allegation against him.
  - In CCRB case number 200411813, the CCRB substantiated a refusal to provide name and shield allegation against him and recommended charges. In March 2006, the NYPD issued instructions in regards.
- PO Minaya has been a member of the service for three years. There are no substantiated CCRB allegations against her.

## Conclusion

## Identification of Subject Officers

PO Cintron and PO Figueroa acknowledged interacting with § 87(2)(b). § 87(2)(b) provided a limited description of PO1 and PO2 as white men with light and dark hair, whom § 87(2)(g) added that PO1 was present at the 48<sup>th</sup> Precinct stationhouse as he was placed into the prisoner holding pen. § 87(2)(g)

§ 87(2)(b) stated that she interacted with the officers who drove § 87(2)(b) to the stationhouse. Sgt. Vantull acknowledged removing his asp while conducting crowd control and that he and PO Minaya transported § 87(2)(b) to the stationhouse. PO Minaya acknowledged interacting with § 87(2)(b) § 87(2)(g)

§ 87(2)(b) described the officer who tightened his handcuffs by the prisoner holding pen as a 5'4" tall white or Hispanic man with black hair with the name "Vincent" on his nameplate. PO Figueroa's first name is "Vincent," but PO Figueroa stands 6'2" tall. A check of the Complaint Tracking System revealed no male officer with that surname working in the Bronx, apart from a Transit Bureau District 11 officer, and there is no indication that officer was there at the time and place of occurrence (encl. J54).

## Allegations Not Pleaded

§ 87(2)(b) alleged that PO Cintron and PO Figueroa said to him, “If you don’t stop moving, we’re going to knock your ass out.” § 87(2)(g)

§ 87(2)(b) stated that PO Figueroa put his hand on the side of his neck after he was detained by unidentified officers. § 87(2)(g)

§ 87(2)(b) alleged that Sgt. Vantull threatened to “bash § 87(2)(b) s] fucking head.”  
§ 87(2)(g)

### Investigative Findings and Recommendations:

**Allegation A- Abuse of Authority: At § 87(2)(b) and § 87(2)(b) in the Bronx, PO Vincent Figueroa threatened § 87(2)(b) with the use of force.**

**Allegation B- Abuse of Authority: At § 87(2)(b) and § 87(2)(b) in the Bronx, PO Brian Cintron threatened § 87(2)(b) with the use of force.**

**Allegation C- Force: At § 87(2)(b) and § 87(2)(b) in the Bronx, PO Vincent Figueroa used physical force against § 87(2)(b)**

**Allegation D- Force: At § 87(2)(b) and § 87(2)(b) in the Bronx, PO Brian Cintron used physical force against § 87(2)(b)**

It is undisputed that § 87(2)(b) did not comply with PO Figueroa and PO Cintron's requests for his ID to issue summonses. It is undisputed that § 87(2)(b) attempted to leave the scene, and PO Cintron and PO Figueroa grabbed § 87(2)(b)'s arms. It is undisputed that the officers were outnumbered by § 87(2)(b)'s group. It is undisputed that PO Cintron removed his asp but did not strike anyone.

§ 87(2)(b) stated that he pulled his arms away from the officers, after which they both said, "If you don't stop moving, we're going to knock your ass out." § 87(2)(b) stated he ran away when he saw PO Cintron remove his asp as if preparing to swing it. § 87(2)(b) heard his friends protest but did not see them take any action against the officers.

PO Cintron and PO Figueroa stated that § 87(2)(b) began strangling PO Cintron when he grabbed § 87(2)(b) and when PO Figueroa intervened, a razor in § 87(2)(b)'s watch cut PO Figueroa. PO Cintron stated that the other four men started to grab the officers' arms, at which time PO Cintron removed his asp and swung it at the men, who promptly dispersed. PO Cintron and PO Figueroa denied that any officer verbally threatened a civilian with the use of force.

§ 87(2)(g)

A threat of force that serves no purpose other than to intimidate an individual is an abuse of an officer's authority. PD v. Briscoe (OATH no. 1328/00) (encl. A1-26). Patrol Guide Procedure Section 203-11 states that officers can use the minimum amount of force necessary to overcome resistance and to effect an arrest (encl. A27-28).

§ 87(2)(g)

**Allegation E- Discourtesy: In the vicinity of § 87(2)(b) and § 87(2)(b) in the Bronx, PO Vincent Figueroa spoke rudely to § 87(2)(b)**

§ 87(2)(b) alleged that PO Figueroa said to him, "You want to fucking run?" PO Figueroa denied that any officer used profanity during the incident. PO Cintron, who claimed sole responsibility for handcuffing § 87(2)(b) and placing him into the unmarked car, stated that no profanity or force was used to do so. § 87(2)(g)

## § 87(2)(b)

§ 87(2)(b)

to fall on his shoulder and forehead on the sidewalk. § 87(2)(b)

male suspects in the immediate vicinity of § 87(2)(b)

§ 87(2)(b)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(b)

of § 87(2)(b)

knee seemingly across the back of § 87(2)(b)

§ 87(2)(g)



§ 87(2)(g)

**Allegation H- Abuse of Authority: At § 87(2)(b) and § 87(2)(b) in the Bronx, Sgt. Berkley Vantull threatened § 87(2)(b) with the use of force.**

It is undisputed that Sgt. Vantull drew and extended his asp.

§ 87(2)(b)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) alleged that after the RMP bumped into her knees, Sgt. Vantull exited the RMP, raised his asp over her head and threatened to “crack her head.” Sgt. Vantull denied this, and no officer witnessed this allegation. § 87(2)(g)

A threat of force that serves no purpose other than to intimidate an individual is an abuse of an officer’s authority. PD v. Briscoe (OATH no. 1328/00) (encl. A1-26).

§ 87(2)(g)

**Allegation I- Force: At § 87(2)(b) and § 87(2)(b) in the Bronx, PO Chari Minaya backed up her RMP into § 87(2)(b)**

It is undisputed that a large crowd of between thirty-five and one-hundred-fifty individuals was gathered at the incident location and were protesting the arrests. It is undisputed that § 87(2)(b) disobeyed prior police directives to back away from PO Minaya’s RMP, which was parked at a diagonal along the crosswalk.

§ 87(2)(b) admitted that her demeanor was hysterical. By her own account, instead of backing up from the RMP, she instead went around the rear of the RMP and started rapping on the trunk as the RMP began backing up to pull away. She stated that the RMP travelled a few feet and hit her knees, after which it stopped. Her knees buckled, but she denied sustaining any injuries.

PO Minaya did not recall travelling in reverse or striking a civilian with the RMP, and no officer witnessed this. § 87(2)(g)

§ 87(2)(g)

**Allegation J- Force: At the 48<sup>th</sup> Precinct stationhouse, PO Brian Cintron tightly handcuffed**

§ 87(2)(b)

§ 87(2)(b) alleged that PO Cintron tightened his handcuffs before placing him into the cells. § 87(2)(b), who was already inside the prisoner holding pen when § 87(2)(b) was lodged, did not observe § 87(2)(b) interact with any officers. § 87(2)(b) did not see any officers interact with any prisoners, two of whom he remembered to be in handcuffs inside of the cells. § 87(2)(b) stated that unidentified officers had “words” with and were rough with § 87(2)(b) at the stationhouse, but he could not be contacted for further clarification. PO Cintron denied interacting with § 87(2)(b) at the stationhouse. No officer interviewed witnessed this allegation.

§ 87(2)(b)'s medical records show that he reported numbness to his hands after being handcuffed. However, a physical exam and X-rays revealed no abnormal findings regarding his hands or wrists.

§ 87(2)(g)

**Allegation K- Discourtesy: At the 48<sup>th</sup> Precinct stationhouse, an officer spoke rudely to** § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) alleged that PO1 called him “a little bitch,” and told him, “Don’t fuck with the police.” No other civilian or officer interviewed witnessed these allegations. § 87(2)(g)

Team: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date